

stack to [move jackpot-win] compress the information related to the jackpot-wins in the stack [to fill] and thus eliminate isolated empty stack positions. ~~46.~~

~~46.~~ ⁴⁰ (Amended) A method in accordance with claim ~~45~~³⁵ further comprising:

P1 transmitting the established jackpot values to said gaming machines;

P1 and inhibiting said transmitting to a gaming machine where a jackpot-win has occurred [group has been won of] the established jackpot value [for said] of the jackpot group of the won jackpot until the [storage of the jackpot] information [of] related to the [won] jackpot-win has been cleared from said stack. ~~47.~~

Delete claim 47.

Remarks

Enclosed herewith is a Petition to the Commissioner and requisite fee requesting that the due date for response be extended by three months to November 14, 1991.

Claims 1, 3-7, 9-16, 18, 20-31, 33 and 35-47 have been amended. Claims 2, 8, 17, 19, 32, 34 and 47 have been deleted and the specification has been amended.

The Examiner has objected to the drawings on the basis that FIG. 1 fails to show the functional connections between the communication ports 3D and the other elements. Applicant has

99
Concl.

49

enclosed herewith a print of FIG. 1 which has been amended to show these functional connections. The Examiner's approval of the amended drawing is respectfully requested.

The Examiner has also objected to the specification due to the incomplete underlined blanks on pages 11 and 12. Applicant has amended the specification to add the information called for in these blanks and this objection has, therefore, been obviated.

The Examiner has further rejected applicant's claims under 35 USC 112, second paragraph, as failing to particularly point out and distinctly claim applicant's invention. The Examiner has enumerated a substantial number of deficiencies in the claims in this regard.

Applicant has amended the claims, as above set forth, and believes that these amendments have obviated the Examiner's rejections. Applicant's amendments are summarized below.

1. The phrase "associated jackpot groups" has been deleted from the claims as requested by the Examiner.

2. The claims have been amended to clarify that the gaming machines are "adapted to received coins-in" to provide an antecedent basis for the claim language "the coins-in at the gaming machines." Applicant notes, however, that the phrase "coins-in" is intended to cover electronic and other modes of monetary entry which simulate or equate to coin entry.

3. Applicant has clarified the phrase "developing coins-in information and jackpot-win information" in the claims by

indicating that the coins-in information includes "information related to each coin-in" and the jackpot-win information includes "information related to each jackpot-win". The claims have also be amended to recite that the gaming machines are adapted to make available the jackpot-win information and the coins-in information to the accumulator. Since the jackpot-win and coins-in information and the modes of transmission of this information to the accumulator can take on various forms, which are clearly described on page 15, line 3, through page 16, line 7, of applicant's specification, the above claim changes in conjunction with the description in the specification are believed to make the claim recitations definite and complete.

4. The essential elements of the progressive accumulator have now been set forth in all the independent claims. Thus, each independent claim calls for the following elements or their equivalents: (a) means for receiving the coins-in information and jackpot-win information from the gaming machines; (b) means for developing jackpot values for the gaming machines based on said coins-in information and jackpot-win information; and (c) means for enabling said developed jackpot values to be made available for supply to the gaming machines. The elements of the claimed accumulator are thus set forth in each claim in definite, means-plus-function terms as is allowable. Each functional element, furthermore, is described specifically in applicant's specification.

5. The term "tagging" in the claims 1, 18 and 33 is now

recited as electronic tagging and each claim now calls for storage of each electronically tagged jackpot-win.

6. The word table has been deleted from claims 2, 19 and 34.

7. In claims 3 and 20 the phrase "jackpot group" has been amended to follow the Examiner's suggested terminology, i.e., "identification of the jackpot group won".

8. The phrase "one or more of the jackpot groups" in claim 35 has been changed to "identification of one or more of the jackpot groups won", as also suggested by the Examiner.

9. The term "each set" has been deleted from claims 3, 20 and 35.

10. Claims 4, 20 and 35 have been amended to delete "the" before the word "identification."

10. In claims 5 and 21, "jackpot information" has been changed to "jackpot-win information."

11. The "programming means" recited in claims 5, 21 and 35 has been amended to further recite that the programming means includes "a program for operating said first means" to clarify the meaning of the term.

12. The phrases "changing said first means" and "changing said means" have been deleted from claims 5, 21 and 35.

13. The "said means" referred to in claim 36 has now been identified as "said first means."

14. The amendments to claims 7, 23, 37 and 38 replacing the term "changing" by the term "accessing", clarifying the nature of

the messages and the operation of the first means in relationship thereto, reciting gaining access to the program of the programming means and defining jackpot data and reciting gaining access to the jackpot data have clarified the above claims with respect to the Examiner's comments thereon.

15. The term "table" has been deleted from claim 8.

16. The Examiner's comments with respect to claims 9, 24 and 39 concerning the phrase "of a particular coin" have been considered by applicant, but applicant does not agree that the disclosure does not support this recitation. Thus, the specification makes it clear that the accumulator of the invention can selectively allocate a particular coin to less than all jackpot groups. This is shown in the Coin-In Allocation Schedule of FIG. 4 wherein coins 5 and 6 are allocated to jackpot group A and not to both jackpot groups A and B as are coins 1-4. This allocation is also described in detail at page 14, line 12 through page 16, line 8 of applicant's specification. Accordingly recitations of a particular coin-in are supported by the specification and have been retained in the claims.

17. The phrase "the coins indicated by" in claims 10, 25 and 40 has been changed to "each coin-in indicated by the information related to each coin-in contained in the coins-in information." Since coins-in information has been recited as including "information related to each coin-in", this now provides antecedent basis for the previous recitation.

18. Claims 11, 26 and 41 have been changed so that the term

"adding" has been replaced by the term "summing" and also the phrase "each indicated coin" now finds antecedent basis in light of the changes mentioned in paragraph 17 above.

19. In claims 12, 27 and 43 the phrase "from the coins-in information allocated to a particular jackpot group" has been changed to refer to "information related to each coin-in contained in the coins-in information allocated to a particular jackpot group". Since the coins-in information is recited as including information related to each coin-in, the revised recitation now has a proper antecedent basis.

20. The recitation of the "coins-in information including information related to each coin-in" in claims 13, 28 and 43 now provides antecedent basis for the further recitations to a particular coin-in in each of these claims. Also, the phrase "at one or more of a plurality of levels" has been moved so as to immediately precede the term "the contribution" to remove any ambiguity. The recitation establishing the contribution level has been changed to depending upon the information in the coins-in information related to "a particular coin-in". This language is believed definite in light of the description in the specification at page 15, line 4 through page 16, line 7. This description teaches several ways of forming the coin-in information of a particular coin-in.

21. The references to a particular coin-in in claims 14, 29 and 44 are now believed definite based on the changes discussed in paragraph 20.

22. The reference to associated groups in claims 15, 30 and 45 has been deleted. The other language changes recommended by the Examiner, i.e., memory stack, to compress jackpot-win information . . . positions, have also been adopted.

23. The term "base" has been changed to "based" in line 10 of claim 45.

24. Claims 16, 31 and 46 have been amended to better clarify the inhibiting means.

25. Claim 17, 32 and 47 have been deleted so that the comments directed to these claims have been obviated.

Applicant again submits that, in light of the above changes, applicant's claims, as amended, now comply with the provisions of 35 U.S.C. 112, second paragraph.

The Examiner has rejected applicant's claims 13, 14, 17, 28, 29, 32, 43, 44 and 47 under 35 U.S.C. 102(b) as anticipated by the Barrie, et al. patent. Claims 17, 32 and 47 have been deleted so as to obviate the Examiner's rejection with respect to these claims. Applicant's remaining claims under this rejection have been amended and, with respect to the amended claims, this rejection is respectfully traversed.

Applicant's independent claims 13, 28 and 43 recite a gaming practice which possess the capability of establishing at one of a plurality of levels the contribution of particular coin-in to a particular jackpot value. This capability adds flexibility to applicant's gaming system not possessed by prior art systems of the Barrie, et al. type. Thus, the latter type systems only

possess the capability of establishing the contribution of a coin-in to a particular jackpot value at a single level and not a plurality of selectable levels.

The table at col 4, lines 38-42, of Barrie, et al. cited by the Examiner clearly demonstrates this. Thus, the table indicates a single increment for each coin-in for each particular jackpot group, i.e., 7 cents for the orange jackpot group, 6 cents for the plums jackpot group, etc. Accordingly, Barrie, et al fail to teach or suggest a gaming practice having the capability of selecting one of a plurality of levels of contribution of a coin-in for a particular jackpot group, as required by applicant's claims 13, 28 and 43 and their dependent claims. These claims thus patentably distinguish over Barrie, et al.

The Examiner has further rejected applicant's claims 5-7, 21-23 and 36-38 under 35 U.S.C. 102 as anticipated by the Ishida patent. Applicant has now amended independent claims 5, 21 and 36 and, with respect to the amended claims, the Examiner's rejection is respectfully traversed.

Applicant's independent claims 5, 21 and 36 have now been amended so that they recite use of an external accessing device which is other than a gaming machine. This change to the claims clearly differentiates the claims from the Ishida system in which the messages from each gaming machine to a controller are alleged by the Examiner to contain device and message type identifications. Furthermore, Ishida does not teach or suggest

use of such identifications with non-gaming machine external devices, let alone with external devices for accessing the program of a controller and/or the jackpot data stored in a controller. Accordingly, applicant's claims 5-7, 21-23 and 36-38 are believed to patentably distinguish over Ishida.

The Examiner has also rejected applicant's claims 1-4, 8, 18-20 and 33-35 under 35 USC 103 based upon the Ishida patent taken in combination with the Werth, et al. patent. With respect to applicant's claims, as amended, this rejection is likewise respectfully traversed.

Applicant's independent claims 1, 18 and 33 all recite the use of a real time clock to permit electronic tagging with a time and date of receipt of jackpot-win information in a jackpot gaming system. The electronically tagged information is then stored to provide a history which can be latter accessed.

In the Ishida patent, while Ishida mentions the storage of the history of a slot machine, this storage is transitory scratch pad storage which is carried out in a RAM during each processing cycle. The stored information is thus written over in the next processing cycle and, hence, there is no accessible retained storage of jackpot-win information, as is claimed by applicant. Additionally, there is no teaching or suggestion in Ishida that the jackpot-win information be electronically tagged with a time and date of receipt, as is also claimed by applicant.

The Examiner has attempted to overcome this lack of teaching in Ishida of the use of a real time clock by citing the Werth, et

al. patent. However, Werth, et al. deal with coin operated vending machines and have nothing to do with gaming machines or progressive controllers for use with such machines. Thus, the fact that Werth, et al. teach the use of a "real time clock . . . to provide times and dates of various 'transactions' for security reasons [in a] ... vending machine ..." as stated by the Examiner, would not teach or suggest to the skilled artisan in the gaming industry the desirability of electronically tagging jackpot-wins in a progressive gaming system. To find otherwise would amount to reconstruction of the Ishida system based on applicant's disclosure and not based on anything taught or suggested in Werth, et al. Accordingly, applicant's claims 1, 18 and 33 and their dependents claims are believed to patentably distinguish over the Ishida and Werth, et al. patents taken individually or in combination.

The Examiner has additionally rejected applicant's claims 9-12, 24-27 and 39-42 under 35 USC 103 as being unpatentably over the Sidley patent taken in view of the Barrie, et al. patent. With respect to applicant's amended claims, this rejection is also respectfully traversed.

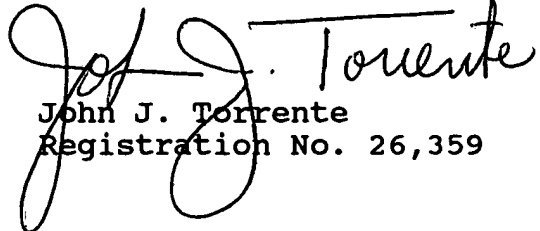
Applicant's independent claims 9, 24 and 39 are directed to a practice in a progressive gaming system in which jackpot values are established using a procedure which has the capability of allocating a particular coin-in to more than one but not all of jackpot groups of the gaming machines. In the poker game apparatus of Sidley, while "players have the option of dropping

out of one pot and directing their money to another," as the Examiner states, money being bet by a player is always directed or allocated to the one jackpot that a player is assigned to. The system thus has no capability to allocate a bet (or particular coin-in), to more than one jackpot group, as claimed in applicant's claims. Thus, applicant's claims 9, 24 and 39 and their dependent claims clearly patentably distinguish over Sidley.

Furthermore, the Examiner's use of Barrie, et al with Sidley, to suggest the use of coins in Sidley has nothing to do with the above feature and, hence, the combination of Sidley and Barrie, et al. also fails to teach or suggest applicant's claimed invention.

In view of the above, it is submitted that applicant's claims meet the requirements of 35 USC 112, second paragraph, and patentably distinguish over the art of record. Accordingly, reconsideration of the claims is respectfully requested.

Respectfully submitted,


John J. Torrente
Registration No. 26,359

ROBIN, BLECKER, DALEY & DRISCOLL
330 Madison Avenue
New York, New York 10017
(212) 682-9640
Dated: November 14, 1991

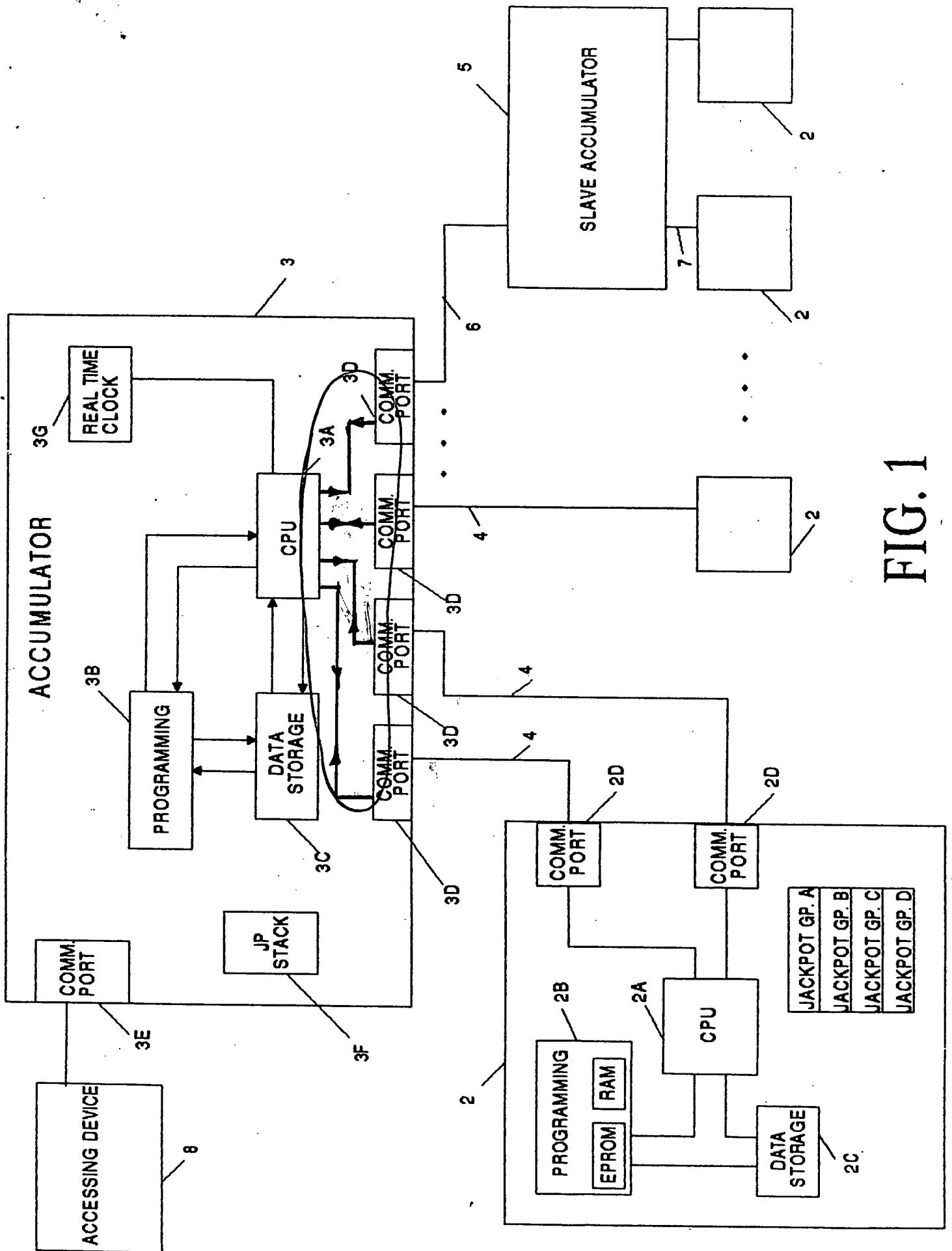


FIG. 1